

By: Representatives Weathersby, Stringer, Read, Peranich, Barnett, Dickson, Hamilton (109th), Huddleston, Jennings, Warren, Banks, Broomfield, Brown, Coleman (29th), Davis, Denny, Eaton, Flagg, Frierson, Gadd, Gibbs, Holland, Hudson, Malone, Markham, Martinson, McBride, Middleton, Miles, Shows, Stevens, Straughter, Vince

To: Appropriations

HOUSE BILL NO. 883
(As Passed the House)

1 AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE
2 MISSISSIPPI EMERGENCY MANAGEMENT AGENCY, AND FOR THE PURPOSE OF
3 ESTABLISHING A DISASTER RELIEF RESERVE FUND AND DEFRAYING THE
4 COSTS RELATED TO CERTAIN DISASTER ASSISTANCE PROGRAMS, FOR FISCAL
5 YEAR 2007.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** The following sum, or so much thereof as may be
8 necessary, is hereby appropriated out of any funds in the State
9 General Fund not otherwise appropriated, for the purpose of
10 defraying the expenses of the Mississippi Emergency Management
11 Agency in accordance with the provisions of Section 33-15-1 et
12 seq., Mississippi Code of 1972, for the fiscal year beginning
13 July 1, 2006, and ending June 30, 2007..... \$ 6,666,340.00.

14 **SECTION 2.** The following sum, or so much thereof as may be
15 necessary, is hereby appropriated out of any money in the special
16 fund in the State Treasury to the credit of the Mississippi
17 Emergency Management Agency which is comprised of special source
18 funds collected by or otherwise available to the agency, for the
19 support and maintenance of the agency for the fiscal year
20 beginning July 1, 2006, and ending June 30, 2007.....
21 \$ 5,074,395.00.

22 **SECTION 3.** Of the funds appropriated under the provisions of
23 Sections 1 and 2, not more than the amounts set forth below shall
24 be expended for the respective major objects or purposes of
25 expenditure:

26 MAJOR OBJECTS OF EXPENDITURE:

27 Personal Services:

28 Salaries, Wages and Fringe Benefits.. \$ 6,416,146.00

| | | |
|----|----------------------------------|---------------------|
| 29 | Travel and Subsistence..... | 104,352.00 |
| 30 | Contractual Services..... | 2,674,874.00 |
| 31 | Commodities..... | 259,863.00 |
| 32 | Capital Outlay: | |
| 33 | Other Than Equipment..... | 0.00 |
| 34 | Equipment..... | 463,500.00 |
| 35 | Subsidies, Loans and Grants..... | <u>1,822,000.00</u> |
| 36 | Total..... | \$ 11,740,735.00 |
| 37 | FUNDING: | |
| 38 | General Funds..... | \$ 6,666,340.00 |
| 39 | Special Funds..... | <u>5,074,395.00</u> |
| 40 | Total..... | \$ 11,740,735.00 |

41 AUTHORIZED POSITIONS:

| | | |
|----|------------------------------|-----|
| 42 | Permanent: Full Time..... | 137 |
| 43 | Part Time..... | 0 |
| 44 | Time-Limited: Full Time..... | 0 |
| 45 | Part Time..... | 0 |

46 With the funds herein appropriated, it is the intention of
47 the Legislature that it shall be the agency's responsibility to
48 make certain that funds required to be appropriated for "Personal
49 Services" for Fiscal Year 2008 do not exceed Fiscal Year 2007
50 funds appropriated for that purpose, unless programs or positions
51 are added to the agency's Fiscal Year 2008 budget by the
52 Mississippi Legislature. Based on data provided by the
53 Legislative Budget Office, the State Personnel Board shall
54 determine and publish the projected annual cost to fully fund all
55 appropriated positions in compliance with the provisions of this
56 act. It shall be the responsibility of the agency head to insure
57 that no single personnel action increases this projected annual
58 cost and/or the Fiscal Year 2007 appropriation for "Personal
59 Services" when annualized, with the exception of escalated funds.
60 If, at the time the agency takes any action to change "Personal
61 Services," the State Personnel Board determines that the agency

62 has taken an action which would cause the agency to exceed this
63 projected annual cost or the Fiscal Year 2007 "Personal Services"
64 appropriated level, when annualized, then only those actions which
65 reduce the projected annual cost and/or the appropriation
66 requirement will be processed by the State Personnel Board until
67 such time as the requirements of this provision are met.

68 Any transfers or escalations shall be made in accordance with
69 the terms, conditions and procedures established by law or
70 allowable under the terms set forth within this act. The State
71 Personnel Board shall not escalate positions without written
72 approval from the Department of Finance and Administration. The
73 Department of Finance and Administration shall not provide written
74 approval to escalate any funds for salaries and/or positions
75 without proof of availability of new or additional funds above the
76 appropriated level.

77 No general funds authorized to be expended herein shall be
78 used to replace federal funds and/or other special funds which are
79 being used for salaries authorized under the provisions of this
80 act and which are withdrawn and no longer available.

81 The agency shall not take any action to promote or otherwise
82 award salary increases through reallocation, reclassification,
83 realignment, education benchmark, career ladder, or any other
84 means to increase salaries of employees or positions unless
85 specifically exempted by the following conditions: the award of
86 teacher pay increases, the advancement of a trainee/cadet to the
87 next level of a bona fide career ladder, the award of an
88 educational benchmark for the attainment of Certified Public
89 Accountant License or higher level professional certification as
90 determined by the State Personnel Board, the immediate replacement
91 of a departing employee with an individual from within state
92 service or a new hire at a salary level equivalent to that of the
93 departing employee, and the emergency appointment of nurses,
94 pharmacists or other health care professionals at a salary to be

95 determined by the State Personnel Board, unless otherwise
96 authorized in this act.

97 **SECTION 4.** It is the intention of the Legislature that the
98 Director of the Mississippi Emergency Management Agency may, upon
99 the request of a local public emergency management organization in
100 an area which has suffered a natural disaster, supply equipment to
101 rural water associations to enable their continued operation when
102 the local emergency management organization determines that such
103 private entities provide services essential to the welfare of the
104 community.

105 **SECTION 5.** It is the intention of the Legislature that the
106 Director of the Mississippi Emergency Management Agency shall
107 provide enhanced training to local governments, supervisors,
108 mayors, civil defense groups and municipal associations in
109 disaster management.

110 **SECTION 6.** The following sum, or so much thereof as may be
111 necessary, is hereby appropriated out of any money in the State
112 General Fund not otherwise appropriated, to the Mississippi
113 Emergency Management Agency for the purpose of defraying certain
114 administrative expenses and the state share of the cost of
115 disaster assistance programs, including, but not being limited to,
116 public assistance programs, individual and family grant programs,
117 and mitigation programs, for the fiscal year beginning
118 July 1, 2006, and ending June 30, 2007.....\$ 4,733,132.00.

119 **SECTION 7.** The following sum, or so much thereof as may be
120 necessary, is hereby appropriated out of any money in the State
121 Treasury to the credit of the Mississippi Emergency Management
122 Agency Fund Nos. 3724, 3725, 3728, 372U, 372C, 3729 and 372K for
123 the purpose of defraying certain administrative expenses and the
124 state and federal share of the cost of disaster assistance
125 programs, including, but not being limited to, public assistance
126 programs, individual and family grant programs, and mitigation

127 programs, for the fiscal year beginning July 1, 2006, and ending
128 June 30, 2007.....\$ 87,125,281.00.

129 **SECTION 8.** Of the funds appropriated under the provisions of
130 Sections 6 and 7, not more than the amounts set forth below shall
131 be expended for the respective major objects or purposes of
132 expenditure:

133 MAJOR OBJECTS OF EXPENDITURE:

134 Personal Services:

| | | | |
|-----|---------------------------------------|----|----------------------|
| 135 | Salaries, Wages and Fringe Benefits.. | \$ | 0.00 |
| 136 | Travel and Subsistence..... | | 100,000.00 |
| 137 | Contractual Services..... | | 1,257,329.00 |
| 138 | Commodities..... | | 242,973.00 |
| 139 | Capital Outlay: | | |
| 140 | Other Than Equipment..... | | 0.00 |
| 141 | Equipment..... | | 1,193,652.00 |
| 142 | Subsidies, Loans and Grants..... | | <u>89,064,459.00</u> |
| 143 | Total..... | \$ | 91,858,413.00 |

144 FUNDING:

| | | | |
|-----|--------------------|----|----------------------|
| 145 | General Funds..... | \$ | 4,733,132.00 |
| 146 | Special Funds..... | | <u>87,125,281.00</u> |
| 147 | Total..... | \$ | 91,858,413.00 |

148 **SECTION 9.** The funds appropriated under the provisions of
149 Sections 6 and 7 are provided to defray certain administrative
150 expenses and the state and federal share of the cost of disaster
151 assistance programs, including public assistance programs,
152 individual and family grant programs, and mitigation programs
153 resulting from, but not being limited to, the following:

154 September 1998 Hurricane Georges #1251
155 September 2004 Hurricane Ivan #1550
156 February and March 2001 Tornado Disasters #1360
157 April 2001 Floods #1365
158 June 2001 Tropical Storm Allison #1382
159 November 2001 Tornado/Flood #1398

160 October 2002 Tropical Storm Isidore #1436
161 November 2002 Tornado (Columbus/MUW) #1443
162 April 2003 Severe Storms #1459
163 May 2003 Severe Storms #1470
164 Hazard Mitigation Programs
165 Emergency Preparedness Programs

166 **SECTION 10.** None of the funds appropriated in Section 6
167 shall be used to establish a special reserve fund in the State
168 Treasury for disaster relief except as provided for in Sections
169 43-41-1 et seq. and 43-41-301 et seq., Mississippi Code of 1972.

170 **SECTION 11.** It is the intention of the Legislature that the
171 agency's budget request for Fiscal Year 2008 shall be submitted to
172 the Joint Legislative Budget Committee in a format and level of
173 detail comparable to the format and level of detail provided
174 during the Fiscal Year 2007 budget request process.

175 **SECTION 12.** It is the intention of the Legislature that the
176 Executive Director of the Mississippi Emergency Management Agency
177 may authorize increases in any major objects of expenditures in
178 total amounts not to exceed twenty-five percent (25%) of the
179 appropriated amount of each major object of expenditure, provided
180 that other major objects of expenditure are decreased by a
181 corresponding dollar amount. However, no transfers shall be
182 authorized which increase the major object of expenditure
183 "Salaries, Wages and Fringe Benefits."

184 **SECTION 13.** It is the intention of the Legislature that the
185 Executive Director of the Mississippi Emergency Management Agency
186 shall have authority to transfer not more than Five Hundred
187 Thousand Dollars (\$500,000.00) from any general or special fund
188 treasury fund and major object budget category to another special
189 or general fund treasury fund and major object budget category
190 accordingly under the control of the Mississippi Emergency
191 Management Agency. The purpose of this authority is to more
192 efficiently use available cash reserves. It is further the

193 intention of the Legislature that the Executive Director of the
194 Mississippi Emergency Management Agency shall submit written
195 justification for the transfer to the Legislative Budget Office
196 and the Department of Finance and Administration on or before the
197 fifteenth (15th) of the month prior to the effective date of the
198 transfer.

199 **SECTION 14.** The expenditure of the funds appropriated by
200 this act shall be under the direction of the Governor and shall be
201 paid by the State Treasurer out of any money in the proper fund or
202 funds as set forth in this act, upon warrants issued by the State
203 Fiscal Officer; and the State Fiscal Officer shall issue his
204 warrants upon requisitions signed by the proper person, officer or
205 officers in the manner provided by law.

206 **SECTION 15.** This act shall take effect and be in force from
207 and after July 1, 2006.